HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (RPF) NO. 5 OF 2007.
IN
FIRST APPEAL NO. 142 OF 2007.

Sudhir Laxman Hendre & Ors. ..Petitioners.
..Appellants.
Versus.
The Special Land Acquisition Officer..Respondents.

Mr. S. S. Kulkarni for the petitioners.
Mr. A.R.Patil A.G.P. for the State.

CORAM: S. B. MHASE &
SMT. NISHITA MHATRE, JJ.

DATE: April 20, 2007.

P.C.

1. Heard learned counsel Mr. S.S. Kulkarni for the review petitioner and learned A.G.P. for the State. Since appeal and review petition are simultaneously preferred appeal was dismissed by order dated 6th March 2007. Now, learned counsel S.S.Kulkarni states that in stead of dismissing the first appeal on this ground he may be allowed to withdraw the appeal with a liberty to file a fresh appeal challenging the order passed even in the review petition. In the interest of justice, we find this course to be proper one. Therefore, we recall the order dated 6th March 2007. Review petition is disposed of.

(SMT. NISHITA MHATRE, J.) **(S.B.MHASE, J.)**